

## Behaviour Policy and Procedures

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<b>Person Responsible</b>	Deputy Executive Principal – Teaching, Learning & Improvement
<b>Approval/ review body</b>	SLT (Senior Leadership Team)
<b>Frequency of Review*</b>	12 months

*\* Policies will be reviewed more frequently if legal changes or good practice require*

<b>Review History:</b>		
<b>Date:</b>	<b>Review by</b>	<b>Reason for review</b>
Jul 2021	DEP	Complete re-write to simplify the process and language used in the Policy.
Feb 2022	DEP	Further develop Appendix 1 into a new format with more examples which include bringing the college into disrepute and examples related to drugs although they will also sit in the 'Learner Substance Misuse Policy'. Add details relating to learners who have had a Level 3 Final Written Warning and make clear the next steps if unsuccessful.
Jul 2022	DEP	Significant revisions to the way we deal with behaviour and attendance pre/post 42-day (6-week trial) period. Removal of Causes for Concern (CfC's) post-42 days.
Sep 2022	DEP	Minor improvements suggested as feedback from staff within the College Expectations training session.
Jul 2023	DEP	Annual review.
July 2024	DEP	Annual review – more added on filming of staff and in relation to the wearing/sharing of student ID's.
Oct 2024	DEP	Following some behaviours during the pre-42-day period, we have amended the section related to sanctions in this period. We have also added more clarity in respect to any drug-related matters. New Section 3.4 and an addition to 5.4 with a note on the summary behaviour table Appendix 1.
Feb 2025	DEP	Revised pre-42-day wording so that it is a 'Probation' period and NOT a trial. Have also referred to the expectation that students attend their work placements to fulfil their qualification requirements.
August 2025	DEP	To differentiate between new learners and continuing learners, particularly with reference to the probation period. It is made clearer that CfCs are only used for new learners. Returning learners with a Level 3 Disciplinary will keep their eTrackr record. Other minor amendments.
Nov 2025	DEP	Section 3.8 was split into two parts and made more specific for greater clarity so that it became 3.8 and 3.10. Level 3 Disciplinary will remain on record for period of 12 months and Level 2 until the end of the academic year in which it was issued.

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## 1. Scope

- 1.1. This Policy applies to the entirety of North Kent College (henceforth referred to as “the College”) and includes all campuses and satellite sites.
- 1.2. This Policy applies to all learners in all areas of the College, including all College accommodation as well as College transport, trips/visits, online educational environments, College related work placements or work experience, or any environment (including social media platforms) where the learner is representing the College or can be associated with the College.
- 1.3. The College’s aim is to provide an environment free from barriers to success and progression and to safeguard all.
- 1.4. If a learner’s behaviour prevents them and/or others from feeling safe, secure, respected, and able to learn effectively, then this may result in disciplinary action.

Where any member of staff has reason to believe that a learner may have committed or may intend to commit a criminal offence, the College may refer the matter to the Police and may continue disciplinary proceedings under this procedure irrespective of any criminal process. Where advised by the Police or any other investigatory body to stop proceedings to facilitate their investigation, we may pause disciplinary action. This may impact a learner’s attendance and appropriate decisions will be made on a case-by-case basis as to how to best safeguard a learner’s education. Where learners are under investigation for involvement in criminal activity, or where they have been convicted of a criminal offence whilst enrolled, the learner will be risk-assessed for their suitability to continue to attend the college.

- 1.5. This Policy applies to all learners on all programmes. This Policy should be read in conjunction with the other policies of the College, including but not limited to:
  - 1.5.1. Safeguarding Policy;
  - 1.5.2. Prevent Policy;
  - 1.5.3. Learner Substance Misuse Policy;
  - 1.5.4. Learner Anti-bullying Policy;
  - 1.5.5. Academic Misconduct Policy;
  - 1.5.6. Malicious Communication Policy; and/or
  - 1.5.7. IT and Conditions of Use Policy
  - 1.5.8. Support for Continuing with Studies Policy and Fitness to Study Procedure

## 2. Principles

- 2.1 This Policy applies to all learners regardless of age, level of study, and includes Apprentices.
- 2.2 This policy is to be used as a mechanism to safeguard and support learning and engagement in all activities of the College and to help to prepare learners for progression opportunities within the College or for employment or higher education.
- 2.3 Where a learner's behaviour adversely impacts our aim (1.3 above), then that behaviour may be addressed using the disciplinary procedures defined herein.
- 2.4 All disciplinary action should be taken in line with the Learner Charter, Campus Expectations and any other policy or contract of the College or curriculum area outlining rules and expectations. Breaches are categorised as minor, significant and serious. Disciplinary action should be proportionate to the alleged breach and staff will use their professional judgement and evidence from any investigations, including any considerations, taking into account individual needs and circumstances where relevant (I.e. learners with special educational needs (SEND) and relevant Education Health and Care Plans ("EH&CP"), and/or Children Looked After (CLA), Young Carers. However, behaviour expectations should be set high so that we have a culture of calm respect within a safe and secure work-ready environment regardless of the aforementioned groups.
- 2.5 The College will make clear the behaviours expected of learners in the:
  - 2.5.1 Annual learner induction process;
  - 2.5.2 College Expectations which are displayed on posters throughout the College;
  - 2.5.3 Learner Charter that is signed by all learners and parents/carers at the commencement of their Study Programme; and
  - 2.5.4 Learner Agreement which is signed at enrolment;
    - 2.5.4.1 Local curriculum subject area Learner Contracts (as appropriate)
- 2.6 Parents/carers will be contacted if a learner was under the age of 19 at the commencement of their course in the September of the current academic year. If a learner does not want a parent/carer contacted, they must write to [mis@northkent.ac.uk](mailto:mis@northkent.ac.uk) to confirm non-contact using their College email account.
- 2.7 Fundamental British Values, which underpin all teaching at the College and are a Department for Education (DfE) expectation as well as a College expectation, will be applied across the College.
  - 2.7.1 All members of staff (teaching and support) have a responsibility for safeguarding and maintaining good behaviour and, therefore, all members of staff can instigate disciplinary action for behaviours deemed in breach of this policy.
  - 2.7.2 If a learner is Looked After or a Care Leaver, Welfare & Safeguarding Services will communicate with the relevant persons as they would with parents/carers as per this Policy.

- 2.7.3 If a learner is sponsored to be at this College by an employer, training agency or a partner institution, we will communicate with the employer or partner manager as we would with parents/carers.
- 2.7.4 If the learner is from a school as part of our School Links programme, the learner will be held to account through our standards and this Policy, although communications will be with the school in the first instance, who will be responsible for communicating with parents.
- 2.7.5 All written communication with learners will be through their College email account, by text or by Royal Mail post.

### **3 Six Week Probation Period (42-Day Review Period)**

- 3.1 All new learners regardless of age or level of study, start their academic year on a six-week probation (this is a 42-day period). The probation period starts from their first registered attendance to a timetabled lesson.
- 3.2 During this probation period, all new learners' attendance, behaviour, and commitment/attitude to study will be closely scrutinised.
- 3.3 Any concerns about attendance, behaviour and attitude will routinely be recorded as a Cause for Concern (CfC) on eTrackr (the learner online management system) and should be notified to the learner and, in some cases, their parents/carers within 48 hours, where possible. Parents/carers can ask their young person to show them their eTrackr record at any time to view attendance, progress, attitude to learning, and other work-related markers. This responsibility will lie with the learner and their parent/carer to review eTrackr records together.
- 3.4 "New learners" are those considered new to the College, new to a new learning aim/course, new to a different Level of course. New learners include those who have moved/been transferred from one subject area to another. For example, if a learner was in Hair in the previous academic year, and is now in Sport, they would be considered a 'new learner' and as such, would be on an initial 42-day probation period.
- 3.5 An exception to point 3.4 above, is that for any learner who has been with the College in the previous academic year, but was given a Level 3 Disciplinary, they would progress to their new course aim, area or Level retaining their Level 3 Disciplinary record on eTrackr. These learners would then be subject to the Behaviour Policy being applied as a continuation and would not be starting with a 'clear record'. Therefore, they would not have another 6-week probation period, nor would they be given CfCs. In other words, if their behaviour conflicts with our learning and behaviour expectations upon return to the College at any point in the academic year, they would be invited to a Disciplinary meeting which could result in either a Final Written Warning or them being withdrawn.
- 3.6 A new learner can be withdrawn from their Study Programme at any point during their 42-day probation period. If a learner intending to be withdrawn has an EH&CP, an Emergency Review will be convened, and the Local Authority invited to attend.
- 3.7 There is no right of appeal to return to the College for learners who are withdrawn during this 6-week, 42-day probation period.
- 3.8 For all learners continuing on the same qualification aim over multiple academic years, they do not have another probation period.
- 3.9 If a young person has studied with us previously but leaves or is withdrawn from the College in one academic year, but they are permitted to return in a later academic year

for re-enrolment, they would be considered a 'new learner' and would, therefore, have another 6-week, 42-day, probation period.

- 3.10 If a learner has been approved to return to the College in a new academic year (regardless of subject or Level) and was given a Level 3 Disciplinary in the previous year, then they resume their studies in the new academic year with their existing Level 3 Disciplinary, as logged on their eTrackr record. This Level 3 Disciplinary will remain with a student until the end of their second year studying with us, after which time it will be removed. Any further issues during this period will be escalated to the senior curriculum lead (SLT) for that learner. The process would be a further Level 3 Meeting where the SLT member would decide the outcome deemed necessary for the behaviours that have led to the escalation. This may result in a final written warning or withdrawal from the College. Any learner that has been withdrawn because of a Level 3 Disciplinary will not be permitted to return to the College for at least the next academic year.

## 4 Disciplinary Process, Definitions and Responsibilities

- 4.1 **Six Week Probation Period (42-Day Review Period)** this is the Department for Education (DfE) set time period to ensure that new learners will apply themselves fully and professionally to their course in order to successfully remain on their programme post-42-day period and be counted in the College's data returns. It also allows the new learner to check that they are on the right course where they will enjoy and achieve. In some circumstances, a new learner may be permitted to transfer to another course provided there are no behaviour concerns, there is space on the alternative course, and the learner meets the entry criteria set upon interview with the learner by the new curriculum area. If there are any CfCs assigned to this young person, they will move with the learner if a transfer is agreed. However, if a learner is at risk to not pass their probation period, the learner will not be considered for a transfer pre- or post- withdrawal in the same academic year.

- 4.2 **Cause for Concern ("CfC")** will be used to log attitude, behaviour and attendance concerns only for new learners during the first 6-week, 42-day probation period. Well-being issues will also be added as Causes for Concern but from a supportive perspective so that tutors are aware of any anxieties or other well-being concerns a young person may have since joining the College. CfC's are a way to document a picture about new learners so that the staff working with a young person can better support a learner in their journey with us.

4.2.1 A CfC should be raised for any concerns related to breaches of the College Expectations, Learner Charter, Campus Contract or any other policy or rule of the College or the curriculum area (See Appendix 1 for example breaches and consequences; this list is not exhaustive).

4.2.2 CfCs are to be raised on eTrackr within 48 hours of an infringement, where possible.

4.2.3 A CfC can be raised by any member of staff (academic and support), regardless of whether that learner is in their curriculum Area.

4.2.4 Where a member of staff is not in the curriculum Department of the learner to whom a CfC is being issued, they should ensure that the relevant Personal Tutor or Head of Curriculum is informed.

4.2.5 A CfC should be supported with a discussion with the learner to be held by the issuing member of staff as to why the CfC has been given.

- 4.2.6 A Cause for Concern will remain on a new learner's eTrackr record for the duration of their time at College.
- 4.2.7 A Head of Curriculum ("HoC") has the discretion to remove a CfC where they deem it appropriate to remove.
- 4.2.8 As a result of the number of CfCs accrued and the type of behaviour, commitment or attendance concerns, a learner may be withdrawn from their programme before the end of a new learner's six-week probation concludes and without recourse or appeal.

### **4.3 Post Six Week Probation Period (42-day Review Period)**

- 4.3.1 Causes for Concern (CfC's) will not be used beyond the six-week probation period for any learner. Notes will be used for new and continuing learners post-42 days on eTrackr for concerns that do not meet the threshold for a Disciplinary, otherwise the Disciplinary process will be instigated as detailed below.
- 4.3.2 For continuing learners (those returning in consecutive years), their behaviour sanctions and notes will remain on their eTrackr record. Learners will continue to progress through the stages of the Disciplinary process at the point to which they ended the previous academic year. In other words, if a learner leaves year one, having been given a Level 3 Disciplinary, it means that upon their return, they will continue through the process, and could only be given a Final Written Warning, or face being withdrawn from College should their behaviour not meet our high expectations.

### **4.4 Level 1 Disciplinary – this is the first formal stage of the disciplinary process. A Level 1 Disciplinary should be raised when there is a breach of the Learner Charter, Campus Contract or any other policy or rule of the College (See Appendix 1 for examples of such infringements).**

- 4.4.1 Level 1 Disciplinary are to be raised as a note on eTrackr within 48 hours of an infringement of the rules of the College. The learner's Disciplinary status on eTrackr must be changed to reflect this by now displaying Level 1 Disciplinary on their eTrackr file.
- 4.4.2 A Level 1 Disciplinary can be raised by any member of curriculum staff, regardless of whether that learner is in their area.
- 4.4.3 If a member of support staff has concerns that a breach of College rules has occurred, they should report this to the relevant curriculum team for their view on any sanction.
- 4.4.4 A Level 1 Disciplinary should be supported with the issuing Tutor informing the learner in person and should be noted with any actions on eTrackr.
- 4.4.5 Where a member of curriculum staff is not in the curriculum Department of the learner to whom a Level 1 Disciplinary is being issued, they should ensure that the relevant Personal Tutor or Head of Curriculum is informed – this can be through an eTrackr email. Where a learner has an EH&CP, the ALS team must also be notified via eTrackr. Level 1 Disciplinary do not have to be communicated to parents/carers, although may be, if deemed appropriate.
- 4.4.6 In exceptional circumstances, a Level 1 Disciplinary may lead to a recommendation for a Level 2 Disciplinary and subsequent investigation.

- 4.4.7 A learner can be issued with up to a maximum of 3 times a Level 1 Disciplinary before they will automatically be escalated to at least a Level 2 Disciplinary.
- 4.4.8 A Level 1 Disciplinary will remain on a learner's eTrackr record for the duration of their time at North Kent College.

**4.5 Level 2 Disciplinary** - this is the second formal stage of the disciplinary process. A Level 2 Disciplinary should be raised when there have been repeated breaches without compliance, or a significant breach of the College Expectations, Learner Charter, Campus Contract or any other policy or rule of the College (See Appendix 1) or when a learner already has three Level 1 Disciplinarys.

- 4.5.1 A Level 2 Disciplinary should be raised on eTrackr, where possible, within 48 hours of any allegation of an infringement. The staff member should log the details as a Note and inform the relevant Head of Curriculum and/or Deputy Head of Curriculum who will notify the Curriculum Administrator, who will have responsibility for changing the eTrackr status of the learner to Level 2 Disciplinary.
- 4.5.2 Only one Level 2 Disciplinary can be issued to any one learner. If a further Disciplinary is required, it must be escalated to Level 3 as below.
- 4.5.3 A Level 2 Disciplinary can be raised by any member of curriculum staff but should trigger an investigation by the Head of Curriculum or Deputy Head of Curriculum, which will be supported by the relevant Curriculum Administrator in all communication with the learner and their parent/carer.
- 4.5.4 The instigation of a Level 2 Disciplinary investigation should be communicated to the learner and their parents/carers. Communication should be formal and written communication should be added as relevant notes on eTrackr.
- 4.5.5 If the learner has an EH&CP, then the Head of Additional Learning Support ("ALS") should be included in any discussions about the reasons for a Level 2 and any personal needs taken into consideration for that learner when reaching an outcome. If it is felt that it may help the process, a senior representative from the ALS Team may be asked to be present at any meetings held in relation to the Disciplinary for that learner.
- 4.5.6 Where appropriate, a learner can be suspended by the Head of Curriculum or Deputy Head of Curriculum, pending investigation and any suspension will be undertaken at the discretion of these managers.
- 4.5.7 A learner will not usually be suspended for longer than five working days, however, this may be extended at the discretion of an Assistant Principal should there be extenuating circumstances.
- 4.5.8 All suspensions will be communicated with the learner and their parents/carers.
- 4.5.9 A learner may be sent home/removed from campus by any member of curriculum staff, pending a decision, whether this will be a formal suspension by the Head of Curriculum or Deputy Head of Curriculum. A temporary removal from the College is needed sometimes to allow a "cooling off" period but does not presume guilt in relation to a behavioural issue prior to any investigation.
- 4.5.10 If the incident in question does not relate to the safety or safeguarding of another person, the Head of Curriculum or Deputy Head of Curriculum may make the

decision not to suspend and to allow the learner to attend their Study Programme pending investigation.

- 4.5.11 A learner who is suspended will not initially be marked absent from any lessons missed, although will be expected to work from home and catch-up with work missed. This will be the responsibility of the learner. If work is produced during this period the learner will be given a “D” mark, which is for Directed Study. However, if work is not produced during this period, then the learner’s register mark will be adjusted to an absent mark for each day suspended. This will affect the learner’s overall attendance percentage, so it is in their best interests to complete work during this period so as not to negatively impact upon their attendance.
- 4.5.12 It is the responsibility of the Head of Curriculum or Deputy Head of Curriculum to investigate any allegations made against the learner in question. They may request written accounts or interviews with any person associated with the incident and may ask for any evidence they deem necessary to conclude their investigation. They reserve the right to make reasonable inferences from a lack of evidence. The alleged perpetrator will be asked for a written account. This account should be written in their own words although they may use a scribe if needed.
- 4.5.13 The investigation should, where possible, be concluded within five working days of the start of the investigation.
- 4.5.14 At the conclusion of the investigation, the Head of Curriculum or Deputy Head of Curriculum will meet formally with the learner. The learner has the right to have their parents/carers present. Parents/carers will be communicated with in writing to inform them of this meeting and the rights of the learner. The learner may be presented with evidence collected as appropriate and in line with data protection requirements and the learner may be asked to make their own representations. If the learner fails to attend for any reason, the meeting will take place in their absence.
- 4.5.15 Following a formal investigation and meeting (with or without the learner), the Head of Curriculum or Deputy Head of Curriculum will decide on the outcome of the investigation and may come to the following conclusions:
- 4.5.15.1 Level 2 Disciplinary not upheld – note to be made on eTrackr:
  - 4.5.15.2 Level 2 Disciplinary upheld;
  - 4.5.15.3 An Additional Learning Support Action Plan will be included in the letter for any EH&CP learners receiving a Level 2 Disciplinary. Action Plan is attached on eTrackr and monitored by the Tutor and Head/Deputy Curriculum/ALS Manager – note to be added on eTrackr.
  - 4.5.15.4 Formal written warning – Action plan issued and monitored; or
  - 4.5.15.5 Recommendation for escalation to a Level 3 Disciplinary and/or possible withdrawal from Study Programme.
- 4.5.16 Level 2 Disciplinary will, where relevant, be communicated with parents or carers as appropriate. All outcomes should be noted on eTrackr.
- 4.5.17 A Level 2 Disciplinary will remain on a learner’s eTrackr record for the duration of the academic year in which it was issued.

**4.6 Level 3 Disciplinary** - this is the final formal stage of the disciplinary process but where it is appropriate, may be treated as the first or second stage for serious “one-off” incidents or a continuous number of low-level behaviours. A Level 3 Disciplinary should be raised when there has been a serious breach of Policy or rule of the College (see Appendix 1 for some examples) or when a Level 2 Disciplinary has been upheld and a further disciplinary breach occurs for the same or related reasons or amounts to a repeated pattern of behaviour that constitutes a serious breach. It may also include new behaviours that are not part of the College Expectations that demonstrate the learner is failing to adhere to the rules set for learners.

- 4.6.1 A Level 3 Disciplinary should, where possible, be raised within 48 working hours of any allegation of a serious breach of infringement to Policy or rule of the College or by means of escalation as the learner already has a Level 2 Disciplinary.
- 4.6.2 The instigation of a Level 3 Disciplinary investigation must be communicated to the learner and their parents/carers. The Curriculum Administrator should enter all Level 2 & Level 3 Disciplinary on the central log, as well as noting on eTrackr.
- 4.6.3 If the learner has an EH&CP, then the Head of ALS should be included in any communications and discussions about the reasons for a Level 3, and any personal needs taken into consideration for that learner when reaching an outcome. The Head of ALS or a nominated member of their team, will be asked to be present at the meeting with the learner and their parent/carer.
- 4.6.4 Where appropriate, a learner can be suspended, either by a Head of Curriculum, Assistant Principal or other senior member, initially for a period of five working days. However, a suspension can be extended for a period, pending any additional investigation needed if the Assistant Principal has approved.
- 4.6.5 All suspensions will be communicated with the learner and their parents/carers by a HoC or Assistant Principal.
- 4.6.6 If the incident in question does not relate to the safety or safeguarding of another person, the Assistant Principal may make the decision not to suspend and to allow the learner to attend their usual timetabled Study Programme pending the conclusion of the investigation.
- 4.6.7 A learner who is suspended will not initially be marked absent from any lessons missed, although will be expected to work from home and catch-up with work missed. This will be the responsibility of the learner. If work is produced during this period the learner will be given a ‘D’ mark, which is for Directed Study. However, if work is not produced during this period, then the learner’s register mark will be adjusted to an absent mark for each day suspended.
- 4.6.8 It is the responsibility of the Assistant Principal to investigate any allegations made against the learner in question or to review the investigation undertaken at Level 2 if this is an escalation from a previous Level 2 Disciplinary. They may request written accounts or interviews with any relevant person and may ask for any evidence they deem necessary. They reserve the right to make reasonable inferences from a lack of evidence. The learner concerned will be asked to produce a written account within 24hrs of the start of the investigation. If the learner concerned does not produce a written account to the College within 5 working days of their suspension, the matter will be considered in the absence of this evidence.

- 4.6.9 The Assistant Principal will aim to conclude their investigation within seven working days of the start of the investigation, where possible, but can be extended if agreed with a Vice Principal or Deputy Executive Principal. Any extension of time should be communicated with the learner and their parents/carers.
- 4.6.10 At the conclusion of the investigation, the Assistant Principal will meet formally with the learner. The learner has the right to have their parents/carers present. Parents/carers will be communicated with in writing to inform them of this meeting and the rights of the learner. The learner may be presented with evidence collected as appropriate and in line with data protection requirements and the learner may be asked to make their own representations. No student parties, or their parents/carers will have sight of written account evidence given by other members of the College. If the learner fails to attend for any reason, the meeting will take place in their absence and any conclusion will be communicated in writing.
- 4.6.11 We are not a court of law, so if there is not conclusive evidence, the investigator will make decisions based on the 'likely probability' of a situation and based on any evidence they have managed to gather.
- 4.6.12 Following a formal investigation and meeting with the learner and/or their parents/ carers, the Assistant Principal will decide on the outcome of the investigation and may come to the following conclusions:
- 4.6.12.1 Level 3 Disciplinary not upheld – note to be made on eTrackr;
  - 4.6.12.2 Level 3 Disciplinary upheld;
  - 4.6.12.3 Written warning – behaviour has been deemed unacceptable, but the investigator has considered enough mitigation to not warrant a final written warning.
  - 4.6.12.4 Final written warning – Behaviour Contract set by Assistant Principal, issued and monitored – note to be made on eTrackr;
  - 4.6.12.5 A written warning or final written warning and told they can complete the year (whether remote or in person) but will not be permitted to progress within the College.
  - 4.6.12.6 Removed from the College campus to complete their qualification remotely. This outcome is discretionary and will only be offered when a learner is near completion of their qualification and the curriculum team feel the learner will be able to complete work independently. This is not possible if there are practical elements remaining on the programme. Where this outcome is offered, it must be accepted at the point of the offer. If this offer is refused, a learner cannot change their mind at a later date to try to return. If this remote working offer is accepted but the learner does not comply with the requirements of the curriculum area for remote working, they will not be permitted to continue their studies and, instead, they will be withdrawn without completion of their qualification. They will not then have any right of appeal.
  - 4.6.12.7 An Additional Learning Support Action Plan will be included in the letter for any EH&CP learners receiving a Level 3 Disciplinary. Action Plan is attached on eTrackr and monitored by the Tutor and Head/Deputy Head of Curriculum/ALS Manager – note to be added on eTrackr.

- 4.6.12.8 Withdrawal from Study Programme with immediate effect. Support is offered from the College's Careers Advisors to assist with guiding the learner to find a suitable destination.
- 4.6.13 Level 3 Disciplinary must be communicated with the learner and their parents or carers where appropriate. All outcomes should be noted on eTrackr and logged on the central Disciplinary database accessed by Curriculum Administrators.
- 4.6.14 A Level 3 Disciplinary (Final Formal Written Warning) will remain on a learner's eTrackr record for a period of 12 months from the date of issue and will be taken into consideration when deciding if a learner should be permitted to progress within the college within the same area or to any other curriculum area.
- 4.6.14.1 If a student is given a Final Formal Written Warning, they must adhere to the targets set.
- 4.6.14.2 If there is another infringement of the College rules, or they fail to maintain the specific targets set during the Level 3 meeting where a learner has been issued a Final Written Warning, they may be withdrawn from their programme without a further meeting. Withdrawal from their programme will be with immediate effect without appeal unless the learner can offer evidence that they believe has not been considered.

## 5 Opportunities to Appeal

- 5.1 **Cause for Concern** – a learner may ask their Head of Curriculum to review the matter, and this will be undertaken at their discretion. A Head of Curriculum may remove a Cause for Concern if it is felt not appropriately applied. There is no further appeal if the Head of Curriculum does not believe the CfC should be removed.
- 5.2 **Level 1 Disciplinary** – no right of appeal.
- 5.3 **Level 2 Disciplinary** – the learner must write to the relevant Assistant Principal, within three working days of the Level 2 Disciplinary Outcome Meeting, giving their reasons for appeal. They must be clear about any new evidence offered or where they feel due process was not followed. A learner cannot appeal just because they do not like the decision reached. The Assistant Principal will consider new/additional evidence, and they may request to meet with the learner. They will investigate and communicate their findings and any action to be taken in writing within five working days. The Assistant Principal is not required to have another formal meeting with the learner and parents after reaching their decision.
- 5.4 **Level 3 Disciplinary** – the learner must write to the relevant Vice Principal or the Deputy Executive Principal, within three days of the Level 3 Disciplinary Outcome Meeting, giving their reasons for appeal. The learner may ask for new/additional evidence to be considered, and the senior leader may request to meet with the learner. They will investigate and communicate their findings and any action to be taken in writing within five working days. If there is no appeal after a Level 3 meeting and the learner is given a "Final Written Warning" there will not be an opportunity to appeal should the learner be subsequently withdrawn for failing to meet the targets of their Final Written Warning. Please note that if a Level 3 Disciplinary or one with a final written warning, is given pre-42-days, there is no right of appeal to the learner.

## 6 Appeal Process

- 6.1 Where a learner believes that disciplinary action has been taken inappropriately or contrary to The Behaviour Policy, they may appeal, provided they have grounds to do so.
- 6.2 **Grounds for appeal are:**
- 6.2.1 New evidence – information that was not available at the time of a hearing/meeting that should now be considered only within the timeframes set above;
  - 6.2.2 Mistake of fact – the issuer of the Disciplinary was not in full possession of all the facts. Evidence that was requested at the time but not made available by the learner will be viewed at the discretion of the member of staff hearing the appeal (i.e. the learner did not attend the meeting); and/or
  - 6.2.3 Mistake of process – the evidence is all present, the facts are correct, but the learner alleges that The Behaviour Policy has not been properly applied.
- 6.3 In any appeal, it is the responsibility of the learner making the appeal to produce the evidence of their appeal. Appeals based on “mistake of process” will only be considered with specific reference to the most current annual published Behaviour Policy.
- 6.4 Where an appeal is granted, it will be dealt with within five working days.
- 6.5 Where an appeal has been heard, there are three possible outcomes:
- 6.5.1 Appeal not upheld – the original disciplinary action taken and outcome reached is deemed to have been the correct action;
  - 6.5.2 Appeal not upheld - the original disciplinary action taken was justified but not proportionate to the severity of the breach. If this is the case, then further disciplinary action may be taken or a reduction of the disciplinary action; or
  - 6.5.3 Appeal upheld – the original disciplinary action should not have been taken and the disciplinary is overturned. It will be removed from the learner’s eTrackr record.
- 6.6 If an appeal is not upheld, there is a right of complaint but only if due process was not followed. The complaint process may not be used to submit new evidence or dispute the reasons for an appeal decision, as this would constitute a further appeal to the original appeal, for which there is no right.

## 7 Monitoring of Behaviour and Logging

- 7.1 Beyond a potential of three Level 1 Disciplinarys, the Disciplinary Levels only escalate. Therefore, once a learner has been issued a Level 2, they will not be issued with another Level 1 or if they have been issued a Level 3, they will not be issued a Level 2 or Level 1. You can only have one Level 2 Disciplinary maximum.
- 7.2 Any learners with an EH&CP who are deemed ‘at risk’ at any point in their programme, must be discussed with the ALS Manager or their delegated member and the Head of Curriculum so that the ALS team can put into place any additional measures for support. They will create an Action Plan with the learner which will be recorded on eTrackr.

- 7.3 Every learner will have a named "Personal Tutor" who will be the learner's key staff member who will monitor them.
- 7.4 Some learners will have a Maths and/or English Tutor, who will also monitor their attendance and behaviour just for these subjects.
- 7.5 CfCs and Disciplinaries will be considered in determining any learner's suitability to progress from one academic year to the next. A poor disciplinary record as well as poor attendance or a lack of demonstrated commitment, may prevent a learner from progressing.
- 7.6 Where a learner has been approved to return to College the following year, their disciplinary record will remain on their eTrackr file when they progress.
- 7.7 In some circumstances, where there are some reservations for a learner to progress to the following year, these learners should have a clear outline of the expectations they need to improve in being permitted to progress and remain on their programme, despite any reservations.

**Appendix 1 – Examples of Behaviour and Possible Sanctions (this is not an exhaustive list)**

	Pre-42 Days (for new learners only)		Post-42 Days (Six-Week) Probation Period	
	Cause for Concern** All Breaches	Level 1 Minor Breach	Level 2 Significant Breach	Level 3 Serious Breach
<p><b>These examples are not exhaustive and there will be other behaviours that require professional judgment as to what Level of sanction. Staff need to consider each learner individually when applying sanctions based on previous history, attitude to being challenged and time of year.</b></p>	<ul style="list-style-type: none"> <li>Non-attendance as occasional one-offs</li> <li>Lateness</li> <li>Failure to follow instructions</li> <li>Not wearing ID* badge visibly around the campus around the neck</li> <li>Disruptive behaviour in lessons or on site</li> <li>Inappropriate language</li> <li>Rudeness of disrespectful attitude</li> <li>Unsatisfactory standards of work</li> <li>Inappropriate use of mobile phones or other technologies</li> <li>Failure to meet deadlines</li> <li>Smoking/vaping in non-designated areas on site</li> <li>Any poor behaviours, poor attendance or poor attitude</li> <li>Stage 1 Minor Breach list</li> <li>Stage 2 Significant Breach list</li> <li>Stage 3 Serious Breach list (this could lead to immediate Withdrawal)</li> </ul>	<ul style="list-style-type: none"> <li>Several non-attendances without genuine justification</li> <li>Two or three Lateness without good reason (i.e. )</li> <li>Two- or three-times failure to follow instructions</li> <li>Twice inappropriate or offensive language</li> <li>General unsatisfactory and thoughtless behaviour / disruption</li> <li>Acting irresponsibly and putting self or others at risk</li> <li>Twice inappropriate use of mobile phones or other electronic devices</li> <li>Twice or three times failure to wear college ID* or produce it when asked</li> <li>Twice failure to complete or hand in work on time</li> <li>Copying of work from a previous source (refer to Academic Misconduct Policy)</li> <li>Failure to comply with College procedures.</li> <li>Two- or three-times smoking (including vaping) in non-designated areas on site.</li> <li>Driving recklessly in College.</li> <li>Not following basic College Expectations (see poster) or Learner Charter.</li> </ul>	<ul style="list-style-type: none"> <li>Failure to comply with Action Plan set at Level 1 or failure to improve performance following previous disciplinary action</li> <li>Abusive/violent language</li> <li>Significant behaviour that could bring the college into disrepute</li> <li>Cheating/plagiarism</li> <li>Repeated general misconduct and thoughtless behaviour</li> <li>Failure to complete course work or major assignments on time</li> <li>Refusing to wear college ID/disclose their identity when requested for it or giving incorrect information</li> <li>Failure to comply with Health and Safety regulations including repeated smoking in the incorrect area</li> <li>Some harassment may appear at this Level</li> <li>Inappropriate use of internet</li> <li>Direct copying of other students' work for assessment (refer to Academic Misconduct Policy)</li> <li>Repeated failure to comply with college procedures.</li> <li>Bullying – verbal, physical or through social media (lower level out of character event)</li> <li>Proved to be with learners who are, or have taken, illegal substances.</li> <li>Failure to attend Work Placement. This can be escalated to a Level 3 if repeated.</li> </ul>	<ul style="list-style-type: none"> <li>Failure to comply with Action Plan set at Level 2 or failure to improve performance following previous disciplinary action</li> <li>Abusive, aggressive, or violent behaviour of a more serious nature</li> <li>Inappropriate sexual behaviour on campus.</li> <li>Sexual assault</li> <li>Possession, use or supply of illegal substances on College premises, during breaks taken in the day off-site, when representing the College</li> <li>Significant abuse or misuse of college technology (e.g., to access pornography, or commit a criminal offence)</li> <li>Serious endangering of the health and safety of others</li> <li>Committing a criminal offence that affects the safeguarding of others</li> <li>Possession of an offensive weapon</li> <li>Cheating/plagiarism in formal assessments/exams</li> <li>Serious harassment or discriminatory behaviour</li> <li>Promoting or engaging in extremist behaviour/activity</li> <li>Persistent or extreme bullying and victimisation</li> <li>Criminal activity, including theft or fraud</li> <li>The unauthorised taking or publishing of audio-visual images or recordings of students or staff, including the posting of such images using internet technologies, without permission</li> <li>Swearing or verbal abuse directed at staff</li> <li>Any serious incident that is considered to bring the college into disrepute.</li> <li>Bullying - verbal, physical or through social media.</li> <li>Recording a member of staff without their permission (this will never be used as supporting evidence for a student regardless of who has recorded it). Acknowledging the recording or staff may also escalate the Disciplinary Level.</li> <li>Giving your College ID to another person to use for entry on to a campus. If the ID is given to someone who has intent on harming another person on the campus, the owner of the ID may be withdrawn. Your ID should only be used by you!</li> </ul>
<b>Person responsible for issuing</b>	Any member of staff	Curriculum Staff	Curriculum Staff	Head of Curriculum (HoC) or Deputy Head of Curriculum (DHoC) or Assistant Principal
<b>Person(s) conducting/ attending meeting</b>	No formal meeting, just let the student know they will be getting a CfC	Curriculum Staff - an informal meeting to let the student know they are getting a Disciplinary.	Head of Curriculum or Deputy Head of Curriculum Parent and learner invited	Assistant Principal Parent and learner invited
<b>Actions</b>	<ul style="list-style-type: none"> <li>Logged on eTrackr under Cause for Concern (CfC)</li> <li>Parental/carer/employer contact (if required)</li> <li>All behaviours are logged with CfC's pre-42 days only and only for new learners NOT returning learners.</li> </ul>	<ul style="list-style-type: none"> <li>Record Level 1 disciplinary meeting on eTrackr</li> <li>Set SMART Targets, Review as appropriate</li> <li>Parental/carer/employer contact</li> </ul>	<ul style="list-style-type: none"> <li>Temporary suspension (discretion of HoC /DHoC) to be investigated by HoC/DHoC.</li> <li>Record Level 2 Disciplinary meeting and outcome on eTrackr</li> <li>Set SMART Targets/Review as appropriate</li> <li>Parental/carer/employer contact</li> <li>Outcome communicated in writing to student and parent</li> <li>ALS team to be informed if EH&amp;CP/HNS</li> </ul>	<ul style="list-style-type: none"> <li>Temporary suspension (discretion of AP)</li> <li>Record Level 3 Disciplinary meeting and outcome on eTrackr</li> <li>Let Curriculum Administrator know to send letter(s)</li> <li>Parental/carer/employer contact</li> <li>Outcome communicated in writing to student and parent</li> <li>ALS team to be informed if EH&amp;CP/HNS</li> </ul>

**\*Please Note:** Due to the prevalence of Lanyard and ID issues that may arise, there is a separate *Lanyard & ID Expectations* document shared as Appendix 3 herein.

**\*\*Please Note:** If any incidents warrant a higher level of sanction pre-42-days, by exception, a Level 3 Disciplinary with a final written warning may be applied for a learner who is not being withdrawn as a consequence.

## Appendix 2 – Disciplinary Procedure Flowchart

### Pre-42 Days (first Six-Weeks Only) – New Learners Only

#### Cause for Concern (“CfC”) – (Issued for any breaches during the first 42 Days [six weeks])

- Issued within 48 Hours
- **ANY** member of staff can issue
- Logged on eTrackr
- 1:1 with student and issuing staff member
- Personal Tutor to monitor progress of students and discuss any concerns
- Parental contact must be made where there are concerns that a learner is 'at risk' of passing their six-week probation period.
- ALS Department informed if the learner has an EH&CP so that supportive actions can be taken to avoid withdrawal or support an emergency review if required.

### Post 42 Days (after Six-Week Probation Period) for New and Continuing Learners

#### Level 1 Disciplinary Issued for **minor breaches**

- Issued within 48 Hours
- **CURRICULUM** staff can issue regardless of area
- Tracked on eTrackr (under notes - change Disciplinary Levels)
- 1:1 with student and personal tutor/HoC or DHoC
- A learner can have a maximum of three Level 1's then it will automatically escalate to a Level 2
- Parental contact discretionary

#### Level 2 Disciplinary - Issued for **significant breaches** or following three Level 1 Disciplinary

- Raised within 24 hours of allegation (brought to the attention of the HoC)
- Can be raised by any member of **CURRICULUM** staff
- Learner may be sent home by **ANY** member of curriculum staff
- Learner **MAY** be suspended at discretion of HoC or DHoC
- To be investigated by HoC or DHoC – meeting convened with learner and parent/carer
- Investigation to be communicated verbally and in writing to student and parents/carers
- Outcome of investigation is within five working days with 1:1 with learner and HoC or DHoC and parents/carers
- Outcome noted on eTrackr and communicated in writing to student and parents/carers

#### Level 3 Disciplinary - Issued for **serious breach** or escalation from Level 2

- Raised within 24 hours of allegation (brought to the attention of the Assistant Principal)
- Learner may be sent home by **ANY** member of curriculum staff
- Any suspension will be undertaken at discretion of the Head of Curriculum or Assistant Principal
- To be investigated by Assistant Principal – meeting convened with learner and parent/carer
- Investigation to be communicated verbally and in writing to student and parents/carers
- Outcome of investigation within five working days with 1:1 with learner and Assistant Principal and parents/carers within 10 days
- Outcome noted on eTrackr and communicated in writing to student and parents/carers
- Behaviour Contract set with learner in the Disciplinary meeting

## **Appendix 3 – ID & Lanyard Expectations**

### **ID & Lanyard Expectations**

#### **1. Scope**

North Kent College (“the College”), operates a visible ID expectation for all staff, learners, Governors and visitors. This enables all College stakeholders to ensure that only authorised persons are admitted to the campus and buildings to maintain a safe and secure environment.

All students and staff must visibly always wear their College lanyards around their necks when not in practical lessons, to confirm immediately that they are enrolled at the College and eligible to be on site. This promotes a positive and professional image of the College and reflects the working practice of most employers in business and industry.

This procedure is a key measure to support our Safeguarding and Prevent strategies and in preparing students for the working environment.

#### **2. Staff ID and Lanyards**

Staff must always wear their lanyards, acting as role models for our students. The only exception is where it is a healthy and safety risk to be wearing it (i.e. some practicals). The Reception Team are responsible for authorising the issue of all staff ID cards and lanyards.

- 2.1. Teaching staff should not permit any student into a learning setting who is not wearing their lanyard or temporary pass;
- 2.2. Staff should visibly always wear their lanyard and ID, except when engaged in practical activity where entanglement or other risks have been identified;
- 2.3. The wearing and displaying of lanyards and ID on site premises must always be enforced by all staff;
- 2.4. All staff are expected to politely challenge students not wearing lanyards;
- 2.5. Managers are expected to ensure that staff comply with wearing lanyards; and
- 2.6. Staff who forget or lose their ID will be issued with a new ID card. A replacement card must be obtained as soon as possible, so that the original card can be deactivated.

#### **3. Student ID and Lanyards**

Student lanyards and ID card holders are issued to all enrolled students at the time of their enrolment. There are different lanyard colours used to aid identification of FE and HE students and Student Union officers. The Reception Team are responsible for authorising the issue of all temporary replacement ID cards and lanyards to students without their ID and lanyard. It is a student’s responsibility to ensure they have an ID and wear it visibly. Students must also accept that failure to adhere to this expectation will result in disciplinary sanctions.

- 3.1 We take safeguarding seriously. Therefore, any student who repeatedly fails to wear their lanyard and ID visibly will be subject to the disciplinary procedures and may find their place on their course at North Kent College in jeopardy as per the Behaviour Policy. This can be avoided so each student must take responsibility for the appropriate wearing of their lanyard and ID.
- 3.2 Students must only use their own lanyard and ID to enter and exit a campus. If they are caught 'piggybacking' another student through a turnstile, the unauthorised student without their ID, as well as the student permitting the use of their own ID for another student, will both be dealt with through the College Behaviour Policy. A Level 2 Disciplinary as a minimum.
- 3.3 If a student allows someone who is not an enrolled member of our College to use their lanyard and ID, whether with them in person, or not, to enter or exit the College, the student will be dealt with through the disciplinary procedures outlined in the Behaviour Policy and will likely be given a Level 3 Disciplinary as a minimum but could face being withdrawn from their course.
- 3.4 If a student travels on the Dartford bus, they must wear their lanyard and ID visibly so that the driver can identify them as a member of the College. If a learner does not show this, the driver is within their right to refuse entry on the bus, and the learner should make their way independently to the College from the Station. Any abuse to the driver in this situation will result in disciplinary action.

#### **4. Lanyard wearing**

All persons (staff, students, governors, visitors) on any campus should be visibly wearing either a North Kent College or Hadlow lanyard and ID or a Red lanyard visitor's ID to identify who the person is on a campus. Staff are required to implement this procedure, and the following guidelines are illustrative, although not exhaustive, of expected behaviours:

- 4.1. Students must always remove their lanyards when undertaking practical tasks where entanglement or other risks have been identified by the tutor. Lanyards must be put on before leaving the teaching setting in compliance with Health & Safety and safeguarding procedures. This includes when learners are given short breaks within a timetabled session or where the learners are going to lunch.

#### **5. Replacement ID Cards for Students**

Each student will be given an ID card, lanyard and card holder when they have fully completed their enrolment.

- 5.1. If a student loses or forgets their ID card, they will be issued with a 'TEMPORARY' day pass from Reception, and this will be logged. The student needs to return the 'temporary' card at the end of the day.
- 5.2. If a student loses or forgets their ID card more than three times, they will not be allowed into the College unless:
  - 5.2.1. they return home to get their ID; **or**
  - 5.2.2. they pay for a new ID card (the cost for replacement ID cards is £2).

- 5.3. Exceptions to this Procedure may be made for students with extenuating circumstances, where returning home to collect their ID may present difficulties. A reasonable adjustment should be made to accommodate these circumstances at the discretion of the Head of Curriculum or senior leaders. This would normally result in the issuing of a temporary ID pass, but the student will only be permitted to enter on the following day by either having found their own ID and lanyard or bringing the funds for a replacement one.
- 5.4. For students who forget their ID cards but are attending an examination:
  - 5.4.1. Front of House team will contact the relevant Head of Curriculum to confirm if the student has an examination;
  - 5.4.2. A member of staff known to that student will need to confirm who they are as their ID is used as evidence to ensure the correct student is sitting the correct paper; and
  - 5.4.3. The student will be issued with a temporary day pass.
- 5.5. Other reasons why a card may be temporarily deactivated include:
  - 5.5.1. Suspension;
  - 5.5.2. Outstanding fees;
  - 5.5.3. Outstanding enrolment documentation;
  - 5.5.4. Non-compliance with College procedures; and/or
  - 5.5.5. Withdrawal
- 5.6. It is expected that proper care be given to the ID badge. Defacing, damaging, or destroying an ID badge, other than normal wear and tear, is subject to discipline procedures. Your photo must be a visible and a true likeness to the owner of the ID. Any ID badge that is deemed unrecognisable must be replaced at a £2 cost to the student. If an ID badge is found, it must be returned to Reception.

## **6. Contractors**

Contractors' lanyards and ID passes will be issued at the Reception Desk.

Contractors' passes will be visibly worn at all times with a red visitor lanyard. Contractors should be accompanied by a member of staff at all times unless specific arrangements have been made with the Head of Estates. Trusted contractors, who work with the College on a regular basis and have completed the College Code of Practice for Contractors checks, are free to access the building unaccompanied.

## **7. Visitors**

Visitor lanyards and ID passes will be issued at each site's Reception area. Full visitor details must be provided, in advance of the visit, via email to the Reception Team. Reception will then inform the relevant staff member of their arrival. This is now an automated electronic visitor system.

Details required:

- 7.1. Visitor's name and the organisation they are representing; and
- 7.2. Name of person visiting.

Non-DBS checked visitors must be collected from and escorted back to Reception and must be always accompanied by a member of staff.

## **8. Roles and Responsibilities**

The College will monitor the implementation of the Procedure and:

- 8.1. ensure staff are aware and comply with the procedures;
- 8.2. actively promote this procedure; and
- 8.3. take corrective actions when issues for improvement are identified.